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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,403	06/19/2001	Shamim A. Alpha	27252.2	2286

7590 05/16/2006

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600 Superior Avenue E
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Cleveland, OH 44114

EXAMINER

SPOONER, LAMONT M

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/884,403

Applicant(s)

ALPHA, SHAMIM A.

Examiner

Lamont M. Spooner

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attac hed.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


RICHMOND DORVIL
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/30/06 have been fully considered but they are not persuasive.

In response to applicant's arguments, regarding independent claim 1, and 7, p.3, "there is no teaching or suggestion that the probability is "based on occurrences of the text string in all of the candidate languages" as claimed. In face, Elworthy states that the probabilities are "independent between languages." The Examiner cannot concur. The Examiner notes, "...the probabilistic model for one language is independent of the others (Elworthy, c.8.lines 5-7), which teaches that the probability model is independent, not the probabilities with respect to the candidate languages from the training data. Wherein, in C.8.lines 27-31, Elworthy teaches, "The procedure for calculating both $p(t|i)$ and $p(t)$ from the training data is as follows. For a given token t , let m be the frequency of that token in the training data and n the total number of tokens. Both counts are for the totals in a given language for $p(t|i)$ and across all languages for $p(t)$."

In response to applicant's arguments, regarding claim 1,p.9., "the candidate language...eliminated as a possibility", "the problem space ...reduced", p.10, "Elworthy does not prove, or disprove", the Examiner finds none of these elements in the claim. Furthermore, as claimed, "the logic for setting a negative assumption value..." is taught by Elworthy, (C.7.lines 60-65-wherein the "probability" that a character string belongs to each of the candidate languages result inherently determines the value that a character

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string does not belong). Claim 7 to claim 1, and thus the arguments are not persuasive, wherein contrary probability, see as the negative assumption value.

In response to applicant's arguments regarding claim 10, the normalization is interpreted as follows, "for each element or groups of elements, comparing the element or group of elements with predetermined probability values for elements or group of elements of each classification to determine a probability that the element or group of elements belong to a classification, accumulating...for each classification, C.2.lines 30-38, wherein the probability value has normalized, as claimed, wherein the comparison is used in a determination.

In response to claim 15, the similar grounds of non-persuasiveness and lacking elements in the claim, yet argued by applicant are noted. Furthermore, the Examiner notes the intended distinction, in elimination of problem space in the applicant's arguments, and as addressed above and "first man to the finish line, last man standing" analogy, however, as broadly/currently claimed, the claimed invention is not patentably distinct over Elworthy.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms
5/2/06